

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
August 9, 2011  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas,  
Cynthia Garnholz, and Mark Winings

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the July 26, 2011 minutes, which were previously provided to the Board.

**Alderman Harris moved to approve the July 26, 2011 minutes. Alderman Goodman seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

Mr. Ed Finkelstein, 7600 Carswold Drive, addressed the Board stating that he recently attended the Ward 2 Coffee meeting and there had been a discussion about the City's finances. He said that he was made aware of the City's budget work session to which he attended on Monday evening and he commended the Board and especially the City Manager and staff on the great job of working on the City's budget. He said that he was very impressed with the process and that it was apparent that they had put a lot of thought into the budget.

Mr. Finkelstein added that he has discovered that the Mayor and Board of Alderman have term limits. He said that he has long been an opponent on the issue of term limits and he feels that they are inefficient and inappropriate. He said that the mayor and aldermen do not have a sufficient amount of time to learn everything that they need to learn before having to give up their office due to term limits. He said that it seems to be very inefficient, inappropriate and a waste of tax payers' money. He said that he discovered that when the Charter was written it was only a two-year term with no term limits and 19 years ago the Charter was changed to implement term limits for both the mayor and aldermen. He said that running a local government is very complex and it takes time to understand the process of how government works and how it works efficiently.

Mayor Goldstein thanked Mr. Finkelstein for his comments and also for his attendance and participation at the budget workshop.

### **AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF CLAYTON AND THE CLAYTON CHILD CENTER**

City Manager Owens reported that on September 28, 1989, the City of Clayton entered into a lease agreement with Clayton Child Center for the property located at #1 Oak Knoll Park. On October 24, 1990, the Board of Aldermen approved a first amendment to the lease agreement. In negotiations between the City of Clayton and the Clayton Child Center the request for a second amendment to the lease was agreed upon in order to resolve any rent dispute and provide clarity as to how the surrender of the property will take place when the Child Center vacates the building at the end of the lease. The elements of the amendment are summarized as follows:

- Currently, no rent is due and the rent paid in 2010 shall be retained by the city.
- The current lease expires on December 31, 2011, and the Child Center will vacate the premises at that time (unless a new lease is entered into).
- All and any of the tenant's renovation work to the property are to become the property of the City at the end of the lease.
- Allows the tenant to remove any of their property that is movable and not attached to the demised premises and includes a list of items to be removed.
- The tenant must repair any damage caused to the premises by such removal.
- Any property left on the premises after the date and time the tenant is required to vacate is to be considered abandoned and subject to disposal as the City may see fit.

Recommendation is to approve the ordinance amending the lease between the City of Clayton and the Clayton Child Center dated September 28, 1989, as amended October 24, 1990.

**Alderman Lichtenfeld introduced Bill No. 6271 an ordinance to approve a second amendment to the lease between the City of Clayton and the Clayton Child Center dated September 28, 1989, as amended October 24, 1990 to be read for the first time by title only. Alderman Goodman seconded.**

**Alderman Winings recused himself due to a conflict of interest.**

In response to Alderman Garnholz's question, City Manager Owens stated that they would be amending the current lease agreement and any future leases would be a separate action and discussion for the Board.

**City Attorney O'Keefe reads Bill No. 6271 an ordinance to approve a second amendment to the lease between the City of Clayton and the Clayton Child Center dated September 28, 1989, as amended October 24, 1990 for the first time by title only.**

**The motion passed unanimously on a voice vote – 6-Ayes; Alderman Winings – recused.**

**Alderman Lichtenfeld introduced Bill No. 6271 an ordinance to approve a second amendment to the lease between the City of Clayton and the Clayton Child Center dated September 28, 1989, as amended October 24, 1990 to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6271 for the second time. Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Recused; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6154 of the City of Clayton.**

**Alderman Winings returned to the Council Chambers to participate in the regular meeting.**

A RESOLUTION TO CONSIDER APPROVING A CONTRACT WITH AHRENS CONTRACTING FOR THE DEMOLITION AND REMOVAL OF STRUCTURES OF HADDINGTON COURT PROPERTIES VOLUNTARILY PARTICIPATING IN THE HAZARD MITIGATION BUYOUT GRANT

City Manager Owens reported that in late 2010, the City received notification, from the State Emergency Management Agency (SEMA), that a Hazard Mitigation Grant had been awarded for the voluntary buyout of properties on Haddington Court; and in January 2011, the Board approved a formal agreement to participate in the program.

The Hazard Mitigation Grant program requires the demolition and removal of structures on participating properties within 60 days of closing. The first closing, for #5 Haddington Court, occurred on July 22, 2011.

To facilitate the expeditious demolition and removal of structures and to secure the best price possible, the contract is structured as a unit price contract, with notice to proceed to be issued, by property, as the properties close. The best and lowest bid for a "typical" property was by Ahrens Contracting for \$43,016.50 per "typical" structure; with a minimum of seven properties (those that had accepted the buyout offer at time of bid); and a potential that all 12 properties would participate; for a total not to exceed contract value of \$516,198.00. In addition, the City Manager requests authorization to approve change orders in an amount not to exceed \$77,429.70, which is approximately 15% of the project cost.

The request for bids was advertised in two local papers and on the City's web site. In addition, request for bid notices were emailed to known demolition contractors. Fourteen companies were represented at the mandatory pre-bid meeting held at #5 Haddington Court on July 28<sup>th</sup> and bids were opened on August 4<sup>th</sup>.

Recommendation is to approve the resolution authorizing a contract with Ahrens Contracting, in the amount not to exceed \$516,198.00, plus a contingency of \$77,429.70 for the demolition and removal of structures of Haddington Court properties voluntarily participating in the hazard mitigation buyout grant.

City Manager Owens updated the Board stating that staff recommends the bid, but that there may be some questions about reimbursement of some sections that are unique to the demolition requirements that the City of Clayton requires.

Mike Pratt reported that the City was notified by SEMA that they consider construction fence, seeding and storm water pollution prevention as non-standard requirements of their demolition contracts and their position is to not reimburse the City for those line items. He said that he will continue to work with SEMA and try to resolve this issue and he will keep the Board updated on the progress.

In response to the Board's questions, Mr. Pratt stated that the City has worked with this contractor in the past on City structures and they are reputable and his staff has been pleased with their work.

**Alderman Lichtenfeld moved to approve Resolution No. 11-27, a contract with Ahrens Contracting for the demolition and removal of structures on Haddington Court properties voluntarily participating in the Hazard Mitigation Buyout Grant. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**A RESOLUTION TO DETERMINE THE INTENT OF THE CITY OF CLAYTON, MISSOURI, TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES**

City Manager Owens reported that as the Board is aware, the proposed FY2012 budget book includes debt financing for the Capital Improvement Fund for FY2011 and beyond. If the City approves an appropriate resolution within 60 days of the first expenditure on the defined capital projects (street resurfacing and police station renovation) it can then reimburse itself for certain capital expenditures from FY2011. The debt issue will be needed if the Street Resurfacing project actually costs the estimated amount of \$2.475 million, which includes approximately \$450,000 for base repair and a contingency of \$300,000. At this time the full extent of required base repair is not known. The attached resolution will allow the most flexibility in covering the project costs. If the City does issue debt and any portion of this reimbursement is used for the Police Station, future financing expected to be issued for that project could be reduced accordingly. The debt, if needed and issued, will have no property tax impact. Staff recommends approval of the resolution.

In response to Mayor Goldstein's question, City Manager Owens stated that the request is specific to the street resurfacing and the police station renovation along with some other projects within the current CIP that staff believes the City may need funds for, but are smaller in nature.

In response to Alderman Lichtenfeld's question, City Manager Owens stated that the work is not required to be completed by September 30, but we would be into the new fiscal year and would authorize new funds and then tap those funds in the new fiscal year which would then be a separate debt issuance.

**Alderman Lichtenfeld moved to approve Resolution No. 11-28, to determine the intent of the City of Clayton, Missouri, to reimburse itself for certain capital expenditures. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**Other**

Mayor Goldstein reported that the St. Louis County Economic Development Collaborative Meeting met today which involves the St. Louis County Mayors. She said that they spoke about two items today that she wanted to bring to the Board's attention. First, the Economic Development Certificate Program held in conjunction with the Urban Land Institute and St. Louis University and that the program starts October 13. She encouraged the Board to consider participating in this program and said that she would provide the information to them in their packet. Secondly, the International Economic Development Council will be holding their conference in St. Louis June 10-12, 2012, but encourages the Board to consider attending. Once she receives additional information about the conference she will provide it to the Board.

Alderman Harris updated the Board on the baby falcon stating that it has been spotted perching and hunting from the top of the Commerce Bank building and seems to be doing well after its accident almost a month ago.

Alderman Garnholz reported that they held the Ward 2 coffee on Sunday and they had three people attend. She said that Mr. Finkelstein had mentioned that he reviewed the City's discrimination ordinance and suggested that the Board to consider reviewing an amendment to the ordinance to include protection of same sex couples/orientation.

**There being no further regular business, Alderman Winings moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section**

**610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Harris seconded the motion. The motion passed unanimously on a roll call vote cast as follows: Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye.**

**The motion passed unanimously on a voice vote.**

The meeting adjourned at 7:30 p.m.

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Mayor

ATTEST:

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City Clerk